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8 Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

13 VERIGY US, INC, a Delaware Corporation  
14 Plaintiff,  
15 vs.  
16 ROMI OMAR MAYDER, an individual;  
17 WESLEY MAYDER, an individual; SILICON  
18 TEST SYSTEMS, INC., a California Corporation;  
and SILICON TEST SOLUTIONS, LLC, a  
California Limited Liability Corporation,  
inclusive,  
19 Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.  
MCCARTHY IN SUPPORT OF VERIGY'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE DOCUMENTS UNDER  
SEAL**

Date: October 17, 2008

Time: 9:00 am

Ctrm.: 6, 4<sup>th</sup> Fl.

Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007  
Trial Date: None Set

## AND RELATED CROSS-ACTIONS

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of  
3 California. I am an associate with the law firm of Bergeson, LLP, counsel of record for Plaintiff  
4 Verigy US, Inc. ("Verigy" or "Plaintiff") in the above-captioned action. I have personal  
5 knowledge of the facts set forth in this declaration, and, if called to do so, I could and would  
6 competently testify thereto.

7 2. I submit this declaration in support of Verigy's Administrative Motion for Leave to  
8 File Documents Under Seal.

9 3. I have reviewed the following materials ("the Materials"):

10 a. Portions of Verigy Inc.'s Motion for Summary Adjudication of its First  
11 Claim for Relief for Breach of Contract and Twelfth Claim for Relief for Declaratory Relief;  
12 Memorandum of Points and Authorities (the "MSA"); and  
13 b. Exhibits B, C, D, E, F, G, H, K, L, M, N, O, P, Q, R, and S to the  
14 Declaration of Michael W. Stebbins in support of Verigy Inc.'s Motion for Summary Adjudication  
15 of its First Claim for Relief for Breach of Contract and Twelfth Claim for Relief for Declaratory  
16 Relief.

17 4. I have determined that these Materials (hereafter "the Materials") disclose  
18 information that has been designated as "Confidential" or "Highly Confidential – Attorneys' Eyes  
19 Only" by the parties under the protective order, without objection to those designations (although  
20 Verigy reserves its rights to challenge such designations pursuant to the Stipulated Protective  
21 Order).

22 5. The confidentiality interest of the parties therefore overcomes the right of public  
23 access to the record, as a substantial probability exists that the parties' overriding confidentiality  
24 interest will be prejudiced if the record is not sealed. Further, the proposed sealing is narrowly  
25 tailored and no less restrictive means exist to achieve this overriding interest.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct and that this declaration was executed this 12th day of September,  
3 2008 at San Jose, California.

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5 Colin G. McCarthy  
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